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Via Certified Mail - Return Receipt Requested

Managing Agent
Mitchell Bros. Truck Line, Inc.
600 SE Maritime Ave.
Building #3, Suite 100
Vancouver, WA 98661

**Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION
PLAN**

Dear Managing Agent:

This letter is submitted on behalf of Columbia Riverkeeper, 111 Third Avenue, Hood River, OR 97031. Any response or correspondence related to this matter should be directed to Brian Knutsen at the address provided below. This letter is to provide you with sixty days notice of Columbia Riverkeeper's intent to file a citizen suit against Mitchell Bros. Truck Line, Inc. ("Mitchell Bros.") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Mitchell Bros.' National Pollution Discharge Elimination System ("NPDES") permit.

Mitchell Bros. was granted coverage under the previous iteration of the Washington Industrial Stormwater General Permit ("ISGP") issued by the Washington Department of Ecology ("Ecology") effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and which expired on December 31, 2014, under NPDES Permit No. WAR-004491 (the "2010 Permit"). Subsequently, Ecology granted Mitchell Bros. coverage under the current iteration of the Washington ISGP issued January 1, 2015, and set to expire on December 31, 2019, under NPDES Permit No. WAR-004491 (the "2015 Permit").

Mitchell Bros. has violated and continues to violate the terms and conditions of the 2010 Permit and the 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or near 600 S.E. Maritime Ave., Vancouver, WA 98661 (the "facility"). The facility subject to this notice includes any contiguous or adjacent properties owned or operated by Mitchell Bros.

I. COLUMBIA RIVERKEEPER'S COMMITMENT TO PROTECTING A FISHABLE AND SWIMABLE COLUMBIA RIVER.

Columbia Riverkeeper's mission is to restore and protect the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper is a non-profit organization with members who live, recreate, and work throughout the Columbia River basin, including near and downstream of where Mitchell Bros.' facility discharges stormwater.

Threats facing the Columbia River are severe by any measure. *See Columbia River Basin State of River Report for Toxics*, Environmental Protection Agency, Region 10 (January 2009), available online at: <http://yosemite.epa.gov/r10/ecocomm.nsf/Columbia/SoRR/>. In fact, the vast majority of rivers and streams in Washington fail to meet basic state water quality standards for pollutants such as toxics and temperature. *See State of Washington 303(d) List*, available online at: <http://www.ecy.wa.gov/programs/wq/303d/index.html>. These standards are designed to protect designated uses, including aquatic life, fishing, swimming, and drinking water.

Stormwater runoff is "one of the great challenges of water pollution control" and "is a principal contributor to water quality impairment of waterbodies nationwide." *See National Research Council, Urban Stormwater Management in the United States*, (Oct. 15, 2008) (online at: http://www.epa.gov/npdes/pubs/nrc_stormwaterreport.pdf). When rain sends runoff across industrial facilities, city streets, and construction projects, the water picks up contaminants that drain into waterways such as the Columbia River. These toxics accumulate in local fish, wildlife, and birds. To address this leading cause of water quality impairment, Columbia Riverkeeper invests significant time and resources in reducing pollutant loads from industrial, municipal, and construction stormwater sources.

This Notice of Intent to Sue Mitchell Bros. is part of Columbia Riverkeeper's effort to improve water quality in the Columbia River for purposes including swimming, habitat quality, and subsistence, recreational, and commercial fishing. Columbia Riverkeeper has serious concerns about the impacts of Mitchell Bros.' operations and industrial stormwater discharges on the Columbia River. As discussed below, Mitchell Bros. has consistently violated permit conditions and exceeded the Permits' benchmark pollutant discharge levels. Mitchell Bros.'s operations and stormwater discharges degrade the Columbia River's water quality and place the health and well-being of all who use the Columbia at risk.

II. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant

adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the “beneficial uses” that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric water quality standards. WAC 173-201A-010; WAC 173-201A-510 (“No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter.”). Narrative water quality standards provide legal mandates that supplement the numeric standards. Furthermore, narrative water quality standards apply with equal force, even when Ecology has established numeric water quality standards. Specifically, Condition S10.A of the Permits requires that Mitchell Bros.’ discharges not cause or contribute to violations of Washington State’s water quality standards.

Mitchell Bros. discharges industrial stormwater to the Columbia River either directly or via a stormwater conveyance system. Mitchell Bros. discharges stormwater that contains elevated levels of turbidity, zinc, and copper as indicated in Table 1 showing benchmark exceedances below. Discharges of stormwater from the facility cause and/or contribute to violations of water quality standards for turbidity, zinc, copper and aesthetic criteria in the Columbia River and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. These water quality standards include those set forth in WAC 173-201A-240, and -260(2).

Table 1 Benchmark Exceedances Reported by Mitchell Bros.			
	Turbidity (NTU) BM: 25	Zinc (µg/L) BM: 117	Copper (µg/L) BM: 14
1Q 2010	31.8		
2Q 2010	43.1		
3Q 2010	35.7	190	20
4Q 2010	32.6		
1Q 2011	38.3		
2Q 2011	46.4		
4Q 2011	57.9		
1Q 2012	31.25		35.9
2Q 2012	50		
1Q 2013	136	120	24
2Q 2013	74.1		
3Q 2013	89.8	120	18
1Q 2014	115		
2Q 2015	140	270	29
4Q 2015	49		

“BM” stands for “benchmark;” the BM values listed in Table 1 are the benchmark levels established in the Permits.

B. Compliance with Standards.

Condition S10.C of the Permits requires Mitchell Bros. to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparing and implementing an adequate SWPPP and best management practices ("BMPs"). Mitchell Bros. has violated and continues to violate these conditions by failing to apply AKART to its discharges by, among other things, failing to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in the table above and as described below. These violations have occurred on each and every day during the last five years and continue to occur every day.

Condition S1.A of the Permits requires that all discharges and activities be consistent with the terms and conditions of the permit. Mitchell Bros. has violated this condition by discharging and acting inconsistent with the conditions of the Permits as described in this Notice of Intent to Sue.

III. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

The extensive violations of the Permits documented in the publically available records indicate that Mitchell Bros. is not fully implementing a SWPPP that includes adequate BMPs and that otherwise includes all of the required SWPPP components. Columbia Riverkeeper therefore provides notice, based upon information and belief, that Mitchell Bros. has not developed and is not implementing a SWPPP that complies with the requirements of the Permits as described below. These violations have occurred on each and every day during the last five years and continue to occur every day.

Condition S3.A.1 of the Permits requires Mitchell Bros. to develop and implement a SWPPP as specified in these permits. Condition S3.A.2 of the Permits requires the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Mitchell Bros. has violated these requirements of the Permits by failing to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to meet state water quality standards.

Condition S3.A of the Permits requires Mitchell Bros. to have and fully implement a SWPPP that is consistent with permit requirements and update the SWPPP as necessary to maintain compliance with permit conditions. On information and belief, Mitchell Bros. has violated these requirements of the Permits because its SWPPP is not consistent with permit requirements, is not fully implemented, and has not been updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to

the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Mitchell Bros.' SWPPP does not comply with these requirements because it does not adequately describe BMPs, does not include BMPs consistent with approved stormwater technical manuals, and does not include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Mitchell Bros.' SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, the regular business hours, and the seasonal variations in business hours or in industrial activities.

Mitchell Bros.' SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Mitchell Bros.' SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, on-site dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these permit conditions.

Mitchell Bros.' SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for each of the materials describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such

storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

IV. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits requires Mitchell Bros. to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Mitchell Bros. to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Mitchell Bros. violated these requirements by failing to collect stormwater samples at any of its discharge points during certain monitoring periods, including, but not limited to, the third quarter of 2011, the third quarter of 2012, the fourth quarter of 2013, the third quarter of 2014, and the first and third quarters of 2015.

Mitchell Bros. has also violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site each quarter. These violations have occurred and continue to occur each and every quarter during the last five years that Mitchell Bros. was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not all, points of discharge. These violations will continue until Mitchell Bros. commences monitoring all distinct points of discharge.

B. Failure to Analyze Quarterly Samples.

Conditions S5.A and S5.B of the Permits require Mitchell Bros. to analyze stormwater samples collected quarterly for turbidity, pH, total copper, total zinc, oil sheen, and petroleum hydrocarbons (diesel fraction). Mitchell Bros. violated these conditions by failing to analyze stormwater samples for any of the required parameters during certain monitoring periods, including, but not limited to, the third quarter of 2011, the third quarter of 2012, the fourth quarter of 2013, the third quarter of 2014, and the first and third quarters of 2015. Mitchell Bros. has further violated these requirements by failing to analyze stormwater samples for petroleum hydrocarbons (diesel fraction) during the first, second, and fourth quarters of 2011, the first, second, and fourth quarters of 2012, the first, second, and third quarters of 2013, and the first, second, and the fourth quarters of 2014.

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits require Mitchell Bros. to use DMR forms provided or approved by Ecology to summarize, report, and submit monitoring data to Ecology. For each monitoring period (calendar quarter), a DMR must be completed and submitted to Ecology not later than 45 days after the end of that monitoring period. Mitchell Bros. has violated these conditions by failing to submit a DMR within the time prescribed for certain monitoring periods, including, but not limited to, the third quarter of 2014 and the first quarter of 2015.

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspection be conducted at the facility by qualified personnel. Per Condition S7.B of the Permits, each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires Mitchell Bros. to record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the 2010 Permit or 2015 Permit (whichever applicable), a summary report and schedule of implementation of the remedial actions that Mitchell Bros. plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Mitchell Bros. is in violation of these requirements of Condition S7 of the Permits because, during the last five years, Mitchell Bros. has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

V. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements.

Condition S8.B of the Permits requires Mitchell Bros. to take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a

benchmark value or are outside the benchmark range for pH. Condition S8.A of the 2015 Permit requires that Mitchell Bros. implement any Level One Corrective Action required by the 2010 Permit.

For a Level One Corrective action, Condition S8.B.1.a of the Permits requires Mitchell Bros. to “[c]onduct an inspection to investigate the cause” of the benchmark exceedance. Additionally, for a Level One Corrective Action, Condition S8.B of the Permits requires Mitchell Bros. to: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with the Permits; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B of the Permits requires Mitchell Bros. to implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Conditions S5.A and S5.B and Tables 2 and 3 of the Permits establish the following applicable benchmarks: turbidity 25 NTU; pH 5 – 9 SU; no visible oil sheen; total copper 14 µg/L; total zinc 117 µg/L, and petroleum hydrocarbons (diesel fraction) 10 mg/L.

Mitchell Bros. has violated the Level One Corrective Action requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required investigation, the required review, revision, and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time in the past five years that quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions during the past five years that are listed in Table 1 in Section II.A of this letter.

These benchmark excursions are based upon information currently available to Columbia Riverkeeper from Ecology’s publicly available records. Columbia Riverkeeper provides notice of its intent to sue Mitchell Bros. for failing to comply with all of the Level One Corrective Action requirements described above each time during the last five years that its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH.

B. Violations of the Level Two Requirements.

Condition S8.C of the Permits requires Mitchell Bros. take specified actions, called a “Level Two Corrective Action,” each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Mitchell Bros. implement any Level Two Corrective Action required by the 2010 Permit.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Mitchell Bros.: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3 of the Permits; and (3) summarize the Level Two Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits requires that Mitchell Bros. implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than August 31 of the following year.

The Permits establishes the benchmarks applicable to Mitchell Bros. described in Section V.A of this notice of intent to sue letter.

Mitchell Bros. has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions—including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), including additional structural source control BMPs, and the required summarization in the annual report—each time since 2010 that Mitchell Bros.’ quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 in Section II.A of this letter, these violations include, but are not limited to, Mitchell Bros.’ failure to fulfill these obligations triggered by turbidity exceedances in 2012 and 2015 and by zinc and copper exceedances in 2013.

The benchmark excursions identified in Table 1 of this letter are based upon information currently available to Columbia Riverkeeper from Ecology’s publicly available records. Columbia Riverkeeper provides notice of its intent to sue Mitchell Bros. for failing to comply with all of the Level Two Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any two quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, since 2010.

C. Violations of the Level Three Requirements.

Condition S8.D of the Permits requires Mitchell Bros. take specified actions, called a “Level Three Corrective Action,” each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Mitchell Bros. implement any Level Three Corrective Action required by the 2010 Permit.

As described by Condition S8.D of the Permits, a Level Three Corrective Action requires that Mitchell Bros.: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark

The Permits establish the benchmarks applicable to Mitchell Bros. described in Section V.A of this notice of intent to sue letter.

Mitchell Bros. has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with applicable permit conditions—including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report—each time since 2010 that Michel Bros.’ quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 in Section II.A of this letter, these violations include, but are not limited to, Mitchell Bros.’ failure to fulfill these obligations for exceedances of the turbidity benchmark during calendar years 2010, 2011, and 2013.

The benchmark excursions identified in Table 1 are based upon information currently available to Columbia Riverkeeper from Ecology’s publicly available records. Columbia Riverkeeper provides notice of its intent to sue Mitchell Bros. for failing to comply with all of the Level Three Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any three quarters during a calendar year, including any such excursions that are not discussed herein, since 2010.

VI. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Mitchell Bros. to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B – D of the Permits. If a corrective action is not yet completed at the time of submission of the annual report, Mitchell Bros. must describe the status of any outstanding corrective action. Each annual report must: (1) identify the conditions triggering the need for corrective action review; (2) describe the problem and identify the of dates when the problem was discovered; (3) summarize any Level 1, 2, or 3 Corrective Actions completed during the previous calendar year and include the dates those corrective actions were completed; and (4) describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date Mitchell Bros. expects to complete those corrective actions. Mitchell Bros. has violated these permit requirements by failing to include all of the required information in each annual report Mitchell Brothers submitted in the last 5 years.

The Mitchell Bros.’ 2010 Annual Report does not contain the required information for the Level One Corrective Actions that Mitchell Bros. triggered for zinc and copper in the third quarter of 2010. For instance, the 2010 Annual Report should have:

- Contained a summary of the Level 1 Corrective Actions for copper and zinc, including the dates on which these actions were completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Contained a description of the status of the outstanding Level 1 Corrective Actions for copper and zinc (Permit § S9.B.2).
- Identified the condition triggering the need for corrective action review for copper and zinc (Permit § S9.B.3.a).
- Described the problem(s) that caused the copper and zinc exceedances and identified the dates on which they were discovered (Permit § S9.B.3.b).

The Mitchell Bros.' 2010 Annual Report also does not contain the required information for the Level One Corrective Actions and the Level Three Corrective Action that Mitchell Bros. triggered in 2010 to turbidity. For instance, the 2010 Annual Report should have:

- Summarized the Level One Corrective Actions taken for turbidity in the second, third, and fourth quarters, including the dates on which these actions were completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Summarized the Level Three Corrective Action planned for turbidity, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed to address turbidity (Permit §§ S9.B.2; S8.D.4).
- Described the status of the outstanding Level One Corrective Actions for turbidity from the second, third, and fourth quarters (Permit § S9.B.2).
- Identified the condition triggering the need for corrective action review for turbidity for all four quarters (Permit § S9.B.3.a).
- Described the problem(s) that caused the turbidity exceedances and identified the dates on which they were discovered (Permit § S9.B.3.b).

The Mitchell Bros.' 2011 Annual Report does not contain the required information about the Level One Corrective Actions that Mitchell Bros. triggered for turbidity in 2011 and regarding the implementation of the Level Three Corrective Action for turbidity triggered in 2010. The 2011 Annual Report should have:

- Summarized the Level One Corrective Actions for turbidity in the first, second, and fourth quarters, including the dates on which these actions were completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Summarized the outstanding Level Three Corrective Action taken for turbidity, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed to address turbidity (Permit §§ S9.B.2; S8.D.4).
- Described the status of the outstanding Level One Corrective Actions for turbidity from the third and fourth quarters (Permit § S9.B.2).
- Identified the condition triggering the need for corrective action review for turbidity in the first, second, and fourth quarters (Permit § S9.B.3.a).

- Described the problem(s) that caused the turbidity exceedances in the first, second, and fourth quarters, and identified the dates on which they were discovered (Permit § S9.B.3.b).

The Mitchell Bros.' 2012 Annual Report does not contain the required information about the Level One Corrective Actions that Mitchell Bros. triggered for turbidity and copper in 2012 and about the Level Two Corrective Action that Mitchell Bros. triggered for turbidity in 2012. The 2012 Annual Report should have:

- Summarized the Level One Corrective Actions for turbidity in the first and second quarters, and the Level One Corrective Action for Copper in the first quarter, including the dates on which these actions were completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Summarized the Level Two Corrective Actions planned or taken for turbidity to implement structural source control BMPs. (Permit §§ S9.B.2; S8.C.3).
- Contained a description of the status of the outstanding Level Two Corrective Actions for turbidity (Permit § S9.B.2).
- Identified the condition triggering the need for corrective action review for copper in the first quarter (Permit § S9.B.3.a).
- Described the problem(s) that caused the copper exceedances in the first quarter and identified the dates on which they were discovered (Permit § S9.B.3.b).

The Mitchell Bros.' 2013 Annual Report does not contain the required information about the Level One Corrective Actions that Mitchell Bros. triggered for turbidity, zinc, and copper in 2013 and about the Level Two Corrective Actions that Mitchell Bros. triggered for zinc and copper in 2013. The 2013 Annual Report should have:

- Summarized the Level One Corrective Actions for turbidity in the first, second, and third quarters, and the Level One Corrective Actions for copper and zinc in the first and third quarters, including the dates on which these actions were completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Identified the condition triggering the need for corrective action review for copper and zinc in the first and third quarters (Permit § S9.B.3.a).
- Described the problem(s) that caused the copper and zinc exceedances in the first and third quarters and identified the dates on which they were discovered (Permit § S9.B.3.b).
- Summarized the Level Two Corrective Actions planned or taken for copper and zinc to implement structural source control BMPs. (Permit §§ S9.B.2; S8.C.3).
- Contained a description of the status of the outstanding Level Two Corrective Actions for copper and zinc (Permit § S9.B.2).
- Summarized the status or completion of the outstanding the Level Two Corrective Action for turbidity triggered during 2012 (Permit § S9.B.3.c).

The Mitchell Bros.' 2014 Annual Report does not contain the required information about the Level One Corrective Action that Mitchell Bros. triggered for turbidity in 2014. The 2014 Annual Report should have:

- Summarized Level One Corrective Action triggered for turbidity in the first quarter, including the dates on which the action was completed (Permit §§ S9.B.2; S8.B.2; S9.B.3.c).
- Identified the condition triggering the need for corrective action review for turbidity in the first quarter (Permit § S9.B.3.a).
- Described the problem(s) that caused the turbidity exceedance in the first quarter and identified the dates on which they were discovered (Permit § S9.B.3.b).
- Summarized the status or completion of the outstanding Level Two Corrective Actions for copper and zinc triggered during 2013 (Permit § S9.B.3.c).

VII. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the 2010 Permit requires Mitchell Bros. to record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Mitchell Bros. collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Mitchell Bros. could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Condition S4.B.3 of the 2015 Permit requires Mitchell Bros. to record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Mitchell Bros. collected the sample within the first 12 hours of stormwater discharge event, an explanation of why Mitchell Bros. could not collect a sample within the first 12 hours of a stormwater discharge event, the sample location, method of sampling and of preservation, the individual performing the sampling, and the weather conditions. Upon information and belief, Mitchell Bros. is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Mitchell Bros. to retain, for a minimum of five years, a copy of the Permits, a copy of Mitchell Bros.' coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the 2015 Permit. Upon information and belief, Mitchell Bros. is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VIII. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Columbia Riverkeeper hereby requests that Mitchell Bros. provide a copy of, or access to, its SWPPP complete with all incorporated

plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to Brian A. Knutsen at the address provided below.

Should Mitchell Bros. fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

IX. Party Giving Notice of Intent to Sue.

The full name, address, and telephone number of the party giving notice is:

Columbia Riverkeeper
111 Third St.
Hood River, OR 97031
(541) 387-3030

X. Attorneys Representing Riverkeeper.

The attorneys representing Columbia Riverkeeper in this matter are:

Brian A. Knutsen
Kampmeier & Knutsen, PLLC
833 S.E. Main Street, No. 318
Portland, OR 97214
(503) 841-6515

Miles Johnson
Columbia Riverkeeper
111 Third St.
Hood River, OR 97031
(541) 490-0487

XI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Columbia Riverkeeper. These violations are ongoing. Columbia Riverkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 USC § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day. In addition to civil penalties, Columbia Riverkeeper will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 USC § 1365(a) and (d), and such other relief as is

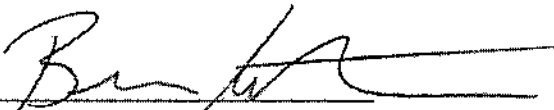
permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Columbia Riverkeeper believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Columbia Riverkeeper intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Mitchell Bros. under Section 505(a) of the Clean Water Act.

Columbia Riverkeeper is willing to discuss effective remedies for the violations described in this letter and settlement terms during the 60-day notice period. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

KAMPMPIER & KNUTSEN, PLLC

By: 
Brian A. Knutsen

cc: Regina A. McCarthy, Administrator, U.S. EPA
Dennis J. McLerran, Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology
Registered Agent, Betty Cooke

CERTIFICATE OF SERVICE

I, Brian A. Knutsen, declare under penalty of perjury of the laws of the United States that I am co-counsel for Columbia Riverkeeper and that on March 25, 2016, I caused copies of the foregoing Notice of Intent to Sue Under the Clean Water Act and Request for Copy of Stormwater Pollution Prevention Plan to be served on the following by depositing it with the U.S. Postal Service, postage prepaid, via certified mail, return receipt requested:


Managing Agent
Mitchell Bros. Truck Line, Inc.
600 SE Maritime Ave.
Building #3, Suite 100
Vancouver, WA 98661

Registered Agent, Betty Cooke
600 SE Maritime Ave.
Building 3, #100
Vancouver, WA 98661

Administrator Regina A. McCarthy
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W., Mail Code 1101A
Washington, D.C. 20460

Regional Administrator Dennis J. McLerran
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Code RA-210
Seattle, WA 98101

Director Maia D. Bellon
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600


Brian A. Knutsen